

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

28

December 7, 2004

**FROM:** HON. PETER H. NORELL, Presiding Judge  
Superior Court of California, County of San Bernardino

**SUBJECT: APPROVE AGREEMENTS FOR ALTERNATE DISPUTE RESOLUTION SERVICES**

**RECOMMENDATIONS:**

1. Approve Agreement with Inland Fair Housing and Mediation Board (IFHMB) in the amount of \$172,170 to provide dispute resolution services for cases filed in the Superior Court of California, County of San Bernardino for the period January 1, 2005 through June 30, 2006.
2. Approve Agreement with Inland Valleys Justice Center (IVJC) in the amount of \$720,000 to provide dispute resolution services for cases filed in the Superior Court of California, County of San Bernardino for the period January 1, 2005 through June 30, 2006.
3. Approve appropriation and revenue adjustments as detailed in the Financial Impact section. (Four votes required)

**BACKGROUND INFORMATION:** The Dispute Resolution Programs Act of 1986 (Business and Professions Code sections 465 et seq., the "Act") provides for the establishment and funding, at County option, of local dispute resolution programs. The purpose of the Act is to encourage the establishment and use of local dispute resolution services as an alternative to formal court proceedings. The Act authorizes participating counties to increase civil court filing fees from one to eight dollars to fund the local dispute resolution programs. The County presently receives a fee of \$8 per civil filing; and currently provides funding for two dispute resolution programs being provided by Inland Fair Housing and Mediation Board (IFHMB) and the Inland Valleys Justice Center (IVJC). These contracts will expire December 31, 2004.

On September 14, 2004, the Board of Supervisors authorized the Superior Court of California in and for the County of San Bernardino to issue a Request for Proposals (RFP) to solicit applications for dispute resolution services with the successful applicants providing direct services through a contract agreement with the County. IFHMB and IVJC are the two agencies that responded. An evaluation team that included representatives from the Superior Court completed an evaluation of the proposals. Both participants will provide dispute resolution services to furnish a fair and reasonable alternative to the formal litigation system in the Superior Court, County of San Bernardino. Judges will assign cases to these contractors based upon case type. The total annual cost for these services is \$594,780.

Under the terms of the Agreement with IFHMB, the contractor shall mediate small claims and unlawful detainer actions in the Superior Court. The cost of this Agreement is not to exceed \$172,170 over the eighteen month contract term.

Under the terms of the Agreement with IVJC, the contractor shall mediate settlement conferences, complex civil cases, and monetary matters in family law cases in the Superior Court. The cost of this Agreement is not to exceed \$720,000 over the eighteen month contract term.

Beginning with the 2003-04 agreement between the County and the Superior Court regarding services and programs of joint responsibility and cooperation, the Court assumed administration of this program on behalf of the County.

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**REVIEW AND APPROVAL BY OTHERS:** This item has been reviewed and approved by the L&J Group (Mike Stodelle, Chairperson, 387-3671) on November 18, 2004; Purchasing (Allen Sanchez, Contracts Analyst, 387-2065) on November 18, 2004; County Counsel (Daniel B. Haueter, Chief Deputy County Counsel, 387-5467) on November 30, 2004; and the County Administrative Office (Marcia Faulkner, Administrative Analyst, 387-5408) on November 30, 2004.

**FINANCIAL IMPACT:** The total cost for these services for the last six months of 2004-05 is \$297,390 and for 2005-06 is \$594,780; for a total of \$892,170. The cost of these agreements is financed by that portion of civil filing fees designated for this use and collected by the Court. No county local cost is requested.

The following appropriation and revenue adjustments are necessary for 2004-05 for these contracts:

Increase SEF CAO CAO 200 2445 Other Professional Services	\$297,390
Increase SEF CAO CAO 9375 Court Fees – Civil	\$297,390

**COST REDUCTION REVIEW:** The County Administrative Office has reviewed this agenda item and concurs with the department's proposal and recommends this action because this program significantly reduces Court and County cost, and the revenue derived from the portion of civil filing fees funds this program.

**SUPERVISORIAL DISTRICT(S):** All

**PRESENTER:** Hon. Peter H. Norell, Presiding Judge (387-6565)